IN THE HIGH COURT OF PUNJAB AND HARYRNA AT CHANDIGARH

C.O.C.P. No.51 of 2006 (O&M)
Date of Decision:- 11.09.2006

Piara Singh ....Petitioner

through
Mr.O.P.Sharda, Advocate

vs.

K.C.Sharma, IAS, F.C. & ors. ....Respondents

through
Mr.R.D.Sharma, DAG, Haryana
Mr.S.N.Gaur, Advocate

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT

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SURYA KANT, J.

The petitioner along with some other persons filed C.W.P.No.11775 of 1999 with a grievance that no steps to complete the preparation of revenue record, namely, Jamabandi etc. in respect of the land of their village, were being taken by the Revenue/Consolidation Authorities. The writ petition was disposed of by this Court on August 23, 1999 in the following terms:-

"Mr. Kamal Sharma, Advocate,

Admitted to DB.

Taken up for disposal today.

This writ petition has been filed under Articles 226/227 of the Constitution of India seeking a writ of *mandamus* directing the respondents to prepare the record of rights regarding land in question.

After hearing the learned counsel for the petitioners we direct that the respondents shall take the necessary action within a period of one year from today. The writ petition is disposed of accordingly.

Sd/- H.S.Bedi,
Judge.

August 23, 1999 Sd/- A.S.Garg
Judge."

Alleging non-compliance of the above-quoted directions, which were required to be implemented within one year, this contempt petition has been filed.

In response to the show cause notice, separate affidavits have been filed by respondent Nos.2, 3 and 4 respectively. The third respondent in his affidavit dated 17.8.2006 has taken the following stand:-

"That notification under Section 14 (i) of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948 here-in-after referred to as the Act was issued on 7.10.1986. The revenue record of this village was received by this department from the Revenue Department in May, 1994. On perusal of the record it transpired that this was not in conformity with the old records as there were discrepancies and as such the records were returned to the Revenue Department for correction and preparation of record of rights (Jamabandi) in Feb., 1995. Thereafter, the records and the newly prepared Jamabandi was received on 29.12.2004."

It has been further averred in the affidavit that on the basis of the newly prepared Jamabandi, consolidation proceedings of the village have been initiated and since there are several steps required to be taken to complete the consolidation proceedings, it may approximately require one and a half to two years more time and that too subject to active co-operation of the right holders.

It is, however, apparent from the stand taken by the respondent No.3 in his affidavit that the "record of rights" have since been completed and are duly reflected in the Jamabandi, which the Department of Consolidation received from the Revenue Department on December 29, 2004.

As regards to the completion of the Consolidation proceedings, learned State counsel submits that endeavour shall be made to conclude the same within the time frame as proposed in para 4 of the affidavit of respondent No.3. Learned counsel for the petitioner, however, submits that sufficient time has already been taken by the respondents.

After hearing learned counsel for the parties and having regard to the fact that substantial part of the directions issued by this Court has already been complied with and record of rights have been duly prepared, this petition is disposed of with a direction to the respondents to complete the consolidation proceedings in accordance with law and after hearing all concerned, as early as possible and preferably within one year.

With these directions, the main petition as well as the civil miscellaneous application are disposed of.

Rule discharged.

September 11, 2006 **(SURYA KANT)**
poonam **JUDGE**